

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**CRYSTAL REVELS, as Administratrix of the
Estate of Michael Revels,**

Plaintiff,

vs.

**9:17-CV-00088
(MAD/TWD)**

**CORRECTIONAL MEDICAL CARE, INC.,
et al.,**

Defendants.

APPEARANCES:

LAW OFFICES OF ELMER R. KEACH, III, P.C.

One Pine West Plaza - Suite 109
Albany, New York 12205
Attorneys for Plaintiff

STEINBERG, SYMER & PLATT, LLP

Steinberg, Symer & Platt, LLP
27 Garden Street
Poughkeepsie, New York 12601
Attorneys for Defendants Correctional Medical
Care, Inc., CBH Medical, P.C., and Emre Umar

**MAYNARD, O'CONNOR, SMITH &
CATALINOTTO, LLP**

6 Tower Place
Albany, New York 12203
Attorneys for Defendant Russell Fricke

Mae A. D'Agostino, U.S. District Judge:

OF COUNSEL:

ELMER R. KEACH, III, ESQ.

JONATHAN E. SYMER, ESQ.

**KAREN A. BUTLER, ESQ.
JESSICA A. ROUNDS, ESQ.
KELLY ANN KLINE, ESQ.**

ORDER

Plaintiff Crystal Revels, as Administratrix of the Estate of Michael Revels, brought this action alleging federal and state claims against Defendants Correctional Medical Care, Inc.

("CMC"), CBH Medical, P.C. ("CBH"), Emre Umar, Nurse Deiah Farley, John Does 1-3 (collectively, the "CMC Defendants"), Schenectady County, Sheriff Dominic D'Agostino, Jail Administrator Jim Barrett (collectively, the "County Defendants"), and Doctor Russell Fricke on January 26, 2017. *See* Dkt. No. 1. The remaining Defendants are CMC, CBH, Emre Umar, and Doctor Russell Fricke. A settlement conference took place on June 23, 2022. *See* Dkt. No. 214. Before the Court is Plaintiff's motion to approve the settlement agreement to which Defendant did not file a response. *See* Dkt. No. 222.

Because this action involved the alleged wrongful death of Michael Revels, a formal motion to approve the settlement was required pursuant to New York State Estates, Powers and Trusts Law § 5-4.6 and New York State Surrogate's Court Procedure Act § 2204, which is now before the Court.

Having reviewed Plaintiff's submissions, the Court finds that the \$425,000 settlement is fair and reasonable under the facts and circumstances of this case, including potential weaknesses or challenges in the case, limits on damages, and significant risk and expense should the case proceed to trial. *See* Dkt. No. 222-1 at ¶¶ 7-12. Moreover, the \$141,666.25 in attorneys' fees sought by counsel is reasonable.¹ Accordingly, Plaintiff's Motion for Approval of Settlement is granted.

CONCLUSION

Accordingly, the Court hereby

ORDERS that Plaintiff's motion for approval of settlement (Dkt. No. 222) is **GRANTED**; and the Court further

¹ The settlement requires that Plaintiff waive her right to seek attorneys' fees and costs under 42 U.S.C. § 1988, and the right to appeal the dismissal of federal claims. *See* Dkt. No. 222-1 at ¶ 14.

ORDERS that Crystal Revels, as Administratrix of the Estate of Michael Revels, Deceased, is authorized to settle Decedent Michael Revels' claims against Defendants, in the total sum of \$425,000; and the Court further

APPROVES the total sum of TWO HUNDRED SIXTY FOUR THOUSAND SIX HUNDRED TWO AND TEN CENTS (\$264,602.10) to the Estate of Michael Revels; and the Court further

APPROVES the settlement proceeds of TWO HUNDRED EIGHTY TWO ONE HUNDRED SIXTY THREE AND EIGHTY SIX CENTS (\$282,163.86)² to be paid care of Plaintiff's counsel for placement in an insured, interest-bearing escrow account for the distributes of the Estate; and the Court further

APPROVES a structured settlement of the proceeds of the settlement, the exact amounts of which will not be known until Surrogate's Court approval, however the outlines of such are set forth in the proposed stipulation of settlement; and the Court further

APPROVES that Defendants CMC and CBH's insurer, Physicians Reciprocal Insurance, pay \$701.93 and Defendant Fricke's insurer, MLMIC, pay \$467.96 directly to the Centers for Medicare and Medicaid Services in settlement of a lien against the Estate of Michael Revels; and the Court further

APPROVES the sum of EIGHTEEN THOUSAND SEVEN HUNDRED THIRTY ONE AND SIXTY FIVE CENTS (\$18,731.65) in reimbursement for litigation expenses, and ONE HUNDRED FORTY ONE SIX HUNDRED SIXTY SIX AND TWENTY FIVE CENTS

² This amount represents the money to be awarded to Plaintiff and litigation costs. *See* Dkt. No. 222-9 at 2.

(\$141,666.25) in attorneys' fees, totaling \$160,397.90, awarded to Elmer Robert Keach, III, P.C.; and the Court further

APPROVES a structured settlement of ONE HUNDRED FORTY ONE SIX HUNDRED SIXTY SIX AND TWENTY FIVE CENTS (\$141,666.25) as payment of all attorneys' fees, payable to Elmer Robert Keach, III, P.C.; and the Court further

ORDERS that Crystal Revels, as Administratrix of the Estate of Michael Revels, Deceased, is authorized to execute any and all such documents as may be necessary to effectuate and collect this **settlement**; and the Court further

ORDERS that Elmer R. Keach, III is authorized to prepare and execute all such documents as may be necessary to effectuate and collect this settlement.

IT IS SO ORDERED.

Dated: February 27, 2023
Albany, New York


Mae A. D'Agostino
U.S. District Judge